

**STATE OF WASHINGTON
OFFICE OF PUBLIC DEFENSE
711 Capitol Way South, Suite 106
Olympia, Washington 98504-0957**

REQUEST FOR PROPOSAL

RFP 0019

**SPOKANE COUNTY SUPERIOR COURT
DEFENSE REPRESENTATION OF PARENTS IN DEPENDENCY AND
TERMINATION CASES**

This Request for Proposal (RFP) invites responses from attorneys interested in providing legal representation for indigent parents in dependency and termination cases in Spokane County Superior Court.

1. BACKGROUND: Recognizing the state's obligation to provide adequate representation to parents in dependency and termination cases, the legislature has appropriated funds to the Washington State Office of Public Defense (OPD) for the purpose of representation of parents in dependency and termination proceedings. This RFP is for an expansion of OPD's Parents Representation Program, first established in 2000, which provides enhanced dependency and termination defense services in juvenile courts. Additional information on OPD's Parents Representation Program is available at: www.opd.wa.gov. In Spokane County, the Spokane County Public Defender will continue to represent parents in dependency and termination proceedings. In addition to these Spokane PD attorneys, private attorneys who respond to this RFP and are selected will provide parents' representation under contract with the Washington State Office of Public Defense.

2. PURPOSE: The purpose of this RFP is to receive proposals for approximately 6 FTE attorney positions. These positions may be filled by full time attorneys or a combination of full time and part time attorneys. The caseload for each full time attorney will be 80 open, active cases. Successful applicants will be required to provide representation for indigent parents, legal custodians, and guardians in accordance with defense representation standards adopted for the Parents Representation Program and to satisfy time and activity documentation requirements of the program. Responses may be submitted by attorneys, partnerships, firms, associations, non-profit groups and other organizations and

entities. If you are responding as a firm or other entity, you must provide information regarding the qualifications of each attorney who will handle dependency and termination cases and/or if new hires are planned, you must describe your staffing proposal. Any future change of attorneys handling a firm's or other entity's caseload will require approval by OPD.

Compensation for each full time attorney position is \$100,000 -120,000. Compensation for a part time attorney position will be pro-rated based on a percentage of a full time caseload. (For example, compensation for a part time attorney with 40 cases would be \$50,000 -60,000.) These amounts include all overhead costs such as support staff, rent, and other costs of doing business.

3. RFP ADMINISTRATION

a. RFP Coordinator: The RFP Coordinators is:

Candace Martin, Executive Assistant
Office of Public Defense
711 South Capitol Way, Suite 106
Olympia, Washington 98504-0957

Telephone: (360) 586-3164 extension 100
E-mail: opd@opd.wa.gov
Agency website: www.opd.wa.gov
Fax: (360) 586-8165

b. RFP schedule

RFP Released -----July 31, 2006
Proposals due -----August 28, 2006

OPD Evaluation of proposals begins -----August 29, 2006
Faxing of letters to applicants -----September 22, 2006
Protest period -----September 25- 29, 2006

c. RFP and other information: OPD will post this RFP and other general information pertaining to the RFP on its website at www.opd.wa.gov. Applicants should check the OPD website for any updated information.

4. PROPOSAL REQUIREMENTS: Proposals may be in the form of a letter, and should include a copy of the applicant's resume. Proposals may be submitted by mail, e-mail attachment, or hand-delivery to the RFP Coordinator at the address listed in 3(a). Proposal documents can be accepted by fax if an original and one copy are postmarked and mailed by August 28, 2006. An original and three copies of the proposal should be submitted if proposal is being submitted in hard-

copy. All submissions will be acknowledged by the OPD as having been received. The proposal(s) must be received by OPD by August 28, 2006 at 4:00 p.m.

a. Minimum Qualifications: The following qualifications are required for attorneys performing under the contract with OPD. Attorney-providers must have experience representing a party in a dependency or termination case, or must be mentored or supervised by an attorney with significant dependency and termination experience. In addition, attorney-providers must: have a history of reasonable case preparation and the provision of adequate client advice; have excellent litigation skills; be able to communicate well with indigent clients; be familiar with RCW 13.34 and court rules pertaining to dependency and termination cases; and be willing to provide time, activity and billing documentation required for the Parents Representation Program.

b. Licensing, prior experience and Insurance: These qualifications should be described in applicant's resume and/or letter:

(1) Every attorney under contract with OPD must be a licensed member of the Washington State Bar and be a member of good standing in the Bar.

(2) Every attorney providing dependency and termination indigent defense services must have experience representing a party in a dependency or termination case, or must be mentored or supervised by an attorney with significant dependency and termination experience.

(3) Unless good cause is shown, no attorney may provide services under a contract with OPD if that attorney has been removed from representation in a case by order of the court for failure to perform basic services necessary to the case or to the client, or in any manner has been found to be ineffective by either an ethics panel or by an appellate court.

(4) Contractors must maintain professional liability insurance for all acts which occur pursuant to the contract. A copy of proof of professional liability insurance must be enclosed in the applicant's proposal. If applicable under RCW Title 51, contractors must maintain industrial insurance.

5. APPLICATION REQUIREMENTS: Applicants should address the following areas in their letters:

a. Proposed Caseload

(1) What is your present caseload? Please describe the number and type of your existing cases, specifying the number of your current dependency and termination cases, if any. How many hours do you spend on your present cases in an average week?

(2) If you are applying for a part-time position, how will you integrate new cases into your existing caseload? What, if any, adjustments will be made?

(3) What support staff will be working with you to represent the new clients?

(4) How will you handle client communications? Describe your plans for maintaining client contact.

(5) List general steps you will take to represent parents, legal custodians, and guardians in being reunited with their children or otherwise participating in their dependency and termination cases.

(6) Explain how you will be able to manage emergency matters, such as shelter care hearings, arising in the timeframes mandated by RCW 13.34.

b. Experience

(1) Describe your experience with dependency and termination cases, including the number of clients you have represented and the years during which you provided representation. If you have a mentor/supervisor, describe his/her dependency and termination experience. If you are a firm and are proposing to hire additional individual attorneys, describe the general level of dependency and termination experience of the attorneys you expect to hire.

(2) Explain your experience representing indigent clients.

(3) Explain instances, if any, in which you have in any manner been disciplined by the bar association.

c. References

(1) List three professional references (with addresses and phone numbers) who are able to provide information regarding your ability to

handle dependency and termination cases. One of these references should be a judge or commissioner who can address your qualifications.

6. EVALUATION BY OPD: All proposals will be screened to determine whether the minimum requirements of the RFP are met. Screening process may include interviews of applicants, references and collateral sources. Those proposals which meet the minimum RFP requirements will then be evaluated by the staff of the Office of Public Defense.

a. Proposal evaluation criteria: The following are the criteria which will be used in the selection of proposals. These criteria are in addition to the minimum requirements of Section 4(a).

(1) The applicant's experience with RCW 13.34 cases or the plan for new hires indicates that the applicant can provide high-quality defense representation to dependency and termination parents, legal custodians, and guardians. Any proposal which includes proposed new hires will be evaluated based on the plan provided and would be accepted by OPD contingent on OPD approval of new attorneys.

(2) The applicant has a satisfactory history of representing clients, preferably indigent, and has a satisfactory plan for communicating well with parents, legal custodians, and guardians.

(3) The applicant's representation plan provides for full-time parents' representation or for the integration of a new part-time caseload into the applicant's existing caseload.

(4) The applicant is willing to provide documentation regarding client interviews and meetings, case preparation, and other representation activities on OPD invoice forms submitted for monthly payments.

b. Interview: A personal interview may be required as part of the evaluation process. Applicants will be contacted by OPD as needed.

7. POST EVALUATION EVENTS: OPD expects to fax written notices by September 22, 2006 to all attorneys who submitted proposals.

OPD intends to complete contract negotiations with the successful applicants and execute all contracts by October 6, 2006. In the event of a negotiation impasse with any provider, OPD reserves the right without penalty and at its sole discretion to:

- (1) Reject the provider's proposal and select the next best qualified provider, or
- (2) Reallocate that provider's share of the caseload, if applicable, to the other potential providers, or to other recommended providers, or
- (3) Take no further action to continue award of contracts under this RFP, or
- (4) Reissue the RFP with any changes OPD deems appropriate.

8. OTHER INFORMATION:

a. **Reservation:** OPD reserves the right to revise the RFP schedule, to revise the RFP and/or to issue amendments to the RFP. OPD also reserves the right to cancel or to reissue the RFP in whole or in part prior to the execution of a contract. OPD also reserves the right to refrain from contracting with any and all applicants. The release of the RFP does not compel OPD to enter into any contract pursuant to the RFP.

Applicants may withdraw their responses at any time prior to the response closing date and time of August 28, 2006 at 4:00 p.m. To accomplish this, a written request signed by an authorized representative of the applicant must be submitted to the RFP Coordinator.

b. **Applicants' Questions:** From **July 31, 2006 to August 28, 2006** applicants may submit questions to and receive answers from OPD. The questions must be in written form. Interested applicants may submit questions to the RFP Coordinator by mail, e-mail, or hand-delivery. Applicants may request that their question and OPD's answer not be circulated to other potential providers. OPD will determine if the applicant's question points to an error or shortcoming in the RFP. If that is the case, OPD reserves the right, regardless of the applicant's request, to circulate the question and answer to all potential applicants, notifying them of the error and what corrective action OPD will take. If the information is not critical, but OPD judges it fair to circulate the answer to all potential applicants, the inquiring applicant will be given the opportunity to withdraw the question. If none of the above conditions exist, and the question reveals an applicant's unique proposal strategy, OPD will honor the applicant's request and respond only to the inquirer.

All questions and answers which OPD determines may be circulated will be available to the public on OPD's website at www.opd.wa.gov during the time the proposals are being formulated. Interested applicants may also request that OPD mail them a copy of all questions and answers which have been circulated.

c. **Modification of proposals:** Applicants may modify proposals after the submission date only to correct mistakes on a proposal and only if the correction is consistent with the fair treatment of other interested providers. OPD has the sole discretion to allow an applicant to correct a mistake.

d. **Clarification of responses:** As part of the evaluation process, and at the discretion of OPD staff, applicants may be asked to clarify specific points in their respective responses. OPD reserves the right to request oral interviews of applicants.

e. **Protest procedures:** Unsuccessful applicants protesting this process must follow the procedures described herein. Protests that do not follow these procedures shall not be considered. This protest procedure constitutes the sole administrative remedy available to the applicant under this RFP.

(1) All protests must be in writing, and signed by the protesting party. The protest must state all facts and arguments on which the protesting party is relying. All protests shall be addressed to the RFP Coordinator.

(2) Only protests setting forth an issue of fact concerning a matter of bias, discrimination, conflict of interest, or non-compliance with procedures described in the RFP shall be considered. Protests based on non-procedural matters will not be considered.

(3) In the event a protest may affect the interest of other potential providers, such providers will be given an opportunity to submit their views and any relevant information on the protest to the RFP Coordinator.

(4) Upon receipt of a protest, a protest review will be held by the OPD Advisory Committee to review the RFP process utilized. This protest review is not a review of responses submitted or the evaluation scores received. The purpose of the protest review is to insure that procedures described in the RFP document were followed, all requirements were met and all applicants were treated equally and fairly.

(5) Protests shall not be accepted prior to selection of the successful applicants. Protests must be sent by September 29, 2006. Protests may be sent by e-mail, fax or be hand-delivered. The Advisory Committee will convene to evaluate the protest and respond as soon as possible. If additional time is required, the protesting party will be notified of the delay.